

01-27-06

JFW

Please type a plus sign (+) inside this box ☐

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/697,599
		Filing Date	October 29, 2003
		First Named Inventor	Austin L. GURNEY
		Group/Art Unit	1644
		Examiner Name	Unassigned
Total Number of Pages in This Submission		Attorney Docket Number	39766-0125A

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Version with Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input checked="" type="checkbox"/> Information Disclosure Statement with PTO-1449 citing 4 references and the Certification <input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): Copy of Supplementary Partial European Search Report; copies of 4 cited references and a stamped return postcard.
Remarks: AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER AND REFERENCE 39766-0125A.		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	Ginger R. Dreger, Reg. No. 33,055 HELLER EHRMAN LLP		
Signature			
Date	January 24, 2006	Customer Number:	25213

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail" (EL 976 549 945 US) on the date indicated below and addressed to: Mail Stop: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450			
Typed or printed name	Sandra Puljic		
Signature		Date	January 25, 2006

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop ___, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Examiner: Unassigned
Austin L. GURNEY) Art Unit: 1644
Application Serial No. 10/697,599) Attorney's Docket No. 39766-0125A
Filed: October 29, 2003) Customer No. 25213
For: INHIBITION OF IL-17 PRODUCTION)

EXPRESS MAIL LABEL NO. EL 976 549 945 US
DATE MAILED: JANUARY 24, 2006

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

MAIL STOP AMENDMENT

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy is provided of each foreign patent, each publication other than U.S. patents and U.S. patent application publications, and each cited pending unpublished U.S. application along with a concise explanation of information in a foreign language pursuant to 37 C.F.R. §1.97-1.98.

In addition, enclosed is a copy of the Partial European Search Report received in the related matter for the above-identified application which discloses the references submitted herewith.

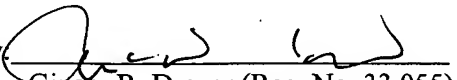
Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Form PTO-1449 is enclosed and the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

- ☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
- ☒ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☒ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☒ a certification as specified in §1.97(e) is provided below; or
- ☐ a fee of **\$180.00** as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of **\$0.00** and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. **08-1641 (Attorney's Docket No. 39766-0125A).**

Respectfully submitted,

Dated: January 24, 2006

By 
Ginger R. Dreger (Reg. No. 33,055)

HELLER EHRMAN, LLP
275 Middlefield Road
Menlo Park, California 94025-3506
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

CERTIFICATION

(Attachment to Information Disclosure Statement)

- ☒ 37 C.F.R. §1.97(e)(1). **APPLICANT'S UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT** each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement; or
- ☐ 37 C.F.R. §1.97(e)(2). **APPLICANT'S UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT** no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.

Respectfully submitted,

Dated: _____

January 24, 2006

By: _____

Ginger R. Dreger (Reg. No. 33,055)



Form PTO-1449

Attorney's Docket No.
39766-0125AApplication Serial No.
10/697,599

INFORMATION DISCLOSURE STATEMENT

Applicant(s)

Austin L. GURNEY

(use several sheets if necessary)

Filing Date:
October 29, 2003Group Art Unit:
1644

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date (if appropriate)

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Translation	
							YES	NO

OTHER DOCUMENTS

(including author, title, date, pertinent pages, etc.)

Examiner Initials	Ref. No.	Title
	1.	Aarvak, T., et al., "Change in the Th1/Th2 Phenotype of Memory T-Cell Clones from Rheumatoid Arthritis Synovium", Scandinavian Journal of Immunology, Vol. 50, No. 1-9, 1999. (XP-002352889)
	2.	Brok, Herbert P. M, et al., "Prevention of Experimental Autoimmune Encephalomyelitis in Common Marmosets Using an Anti-IL-12p40 Monoclonal Antibody, The Journal of Immunology, Vol. 169, pp 6554-6563, 2002. (XP-002971968)
	3.	Maeyama, Takashige, et al., "Attenuation of bleomycin-induced pneumopathy in mice by monoclonal antibody to interleukin-12", American Journal of Physiology, Lung Cellular and Molecular Physiology, Vol. 280, No. 6, pp L1128-L1137, June 2001. (XP-002352888)
	4.	Tripp, Catherine S., et al., "Neutralization of IL-12 Decreases Resistance to <i>Listeria</i> in SCID and C.B-17 Mice Reversal by IFN-Gamma", Journal of Immunology, Vol. 152, pp 1883-1887, 1994. (XP-002924062)

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d).